

DEC 02 2004

**MORRISON & FOERSTER LLP**

Attorneys at Law  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

**To:**

NAME:	FACSIMILE:	TELEPHONE:
Examiner M. Marvich U.S. Patent and Trademark Office	703-872-9306	571-272-0774

**FROM:** Debra J. Glaister, Patent Agent**DATE:** December 2, 2004

Number of pages with cover page:	11
----------------------------------	----

Preparer of this slip has confirmed that facsimile number given is correct: 7230/PME2**CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

**Comments:****OFFICIAL FILING**

Examiner M. Marvich  
Art Unit: 1636  
Re: U.S. Patent Application No. 10/089,394  
Title: PRODUCTION OF RECOMBINANT AAV USING ADENOVIRUS COMPRISING AAV REP/CAP GENES  
Filing Date: March 29, 2002  
Inventors: Halfeng CHEN et al.  
Attorney Docket No. 226272007801

**Papers enclosed herewith:**

1. Transmittal - 1 page
2. Response to Notice of Non-Compliant Amendment - 8 pages
3. Change of Correspondence Address *Application* - 1 page

**PLEASE ACKNOWLEDGE RECEIPT VIA RETURN FACSIMILE**

pa-939451

RECEIVED  
CENTRAL FAX CENTER

DEC 02 2004

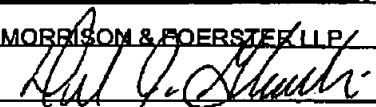
PTO/SB/21 (09-04)

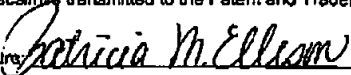
Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/089,394	
	Filing Date	March 29, 2002	
	First Named Inventor	Haifeng CHEN	
	Art Unit	1636	
	Examiner Name	M. Marvich	
Total Number of Pages in This Submission	10	Attorney Docket Number	226272007801

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply - 8 pages  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address - 1 page  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Debra J. Glaister		
Date	December 2, 2004	Reg. No.	33,888

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.	
Dated: December 2, 2004	Signature:  (Patricia M. Ellison)

pa-939450

DEC 02 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: December 2, 2004

Signature: Patricia M. Ellison (Patricia M. Ellison)Docket No.: 226272007801  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Haifeng CHEN et al.

Application No.: 10/089,394

Art Unit: 1636

International Filing Date: September 29, 2000

Examiner: M. Marvich

For: PRODUCTION OF RECOMBINANT AAV  
USING ADENOVIRUS COMPRISING AAV  
REP/CAP GENES

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the Notice of Non-Compliant Amendment dated November 2, 2004 (Paper No. 1004) for which a response is due on December 2, 2004. Accordingly this response is timely filed. Applicants respectfully request reconsideration and entry of the pending claims.

**Pending Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

PA-934195

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**